

REMARKS

The amendment of claims 1 and 52 is supported by the disclosure on page 5, paragraph [0018]. New claims 53 and 54 are supported by claim 1 and the limitation of original claim 21.

Claim 51 has been rejected under 35 USC 112, second paragraph. This rejection is respectively traversed.

The Examiner's position is that the phrase "at least about 0.5 M" is unclear because the concentration "may be less than 0.5 M or must be about 0.5 M but higher than 0.5 M." See paragraph 2 of the Action. Claim 51 has been amended to recite "about 0.5 M or higher than 0.5 M." This limitation is perfectly clear--the concentration can "about 0.5M," which is not an indefinite term, or "higher than 0.5 M," which is also not an indefinite term.

Claims 1, 3, 8-13 and 47-51 were rejected as being obvious over Kidwell in view of McCormick. This rejection is respectively traversed.

Neither Kidwell nor McCormick disclose or suggest that "the metallic colloid has a Raman signal that is greater than that of a silver colloid prepared by a titration method wherein a boiling silver nitrate solution is titrated with a sodium citrate solution to produce the silver colloid," wherein the metallic colloid has an attached organic molecule and the organic molecule comprises a moiety that has an affinity for the metallic colloid and another moiety that has an affinity for a biomolecule.

In fact, Kidwell does not even teach a metallic colloid having the claimed organic molecule attached on to it, and much less teaches that "the metallic colloid has a Raman signal that is greater than that of a silver colloid prepared by a titration method wherein a boiling silver nitrate solution is titrated with a sodium citrate solution to produce the silver colloid."

McCormick discloses platinum colloid with an organic molecule having a moiety that has an affinity for the metallic colloid and another moiety that has an affinity for a biomolecule, but it too fails to teach or suggest that "the metallic colloid has a Raman signal that is greater than that of a silver colloid prepared by a titration method wherein a boiling silver nitrate solution is titrated with a sodium citrate solution to produce the silver colloid."

Claim 2 was rejected as being obvious over Kidwell in view of McCormick, further in view of Albrecht. This rejection is respectively traversed and should be reversed as Albrecht does not fill the gaps in Kidwell and McCormick explained above.

Claim 5 was rejected as being obvious over Kidwell in view of McCormick, further in view of Smith. This rejection is respectively traversed and should be reversed as Smith does not fill the gaps in Kidwell and McCormick explained above.

Claim 6 was rejected as being obvious over Kidwell in view of McCormick, further in view of Strohmaier. This rejection is respectively traversed and should be reversed as Strohmaier does not fill the gaps in Kidwell and McCormick explained above.

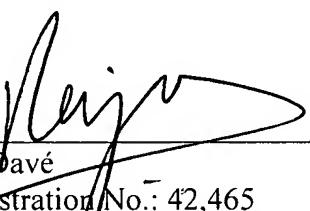
With respect to new claims 53 and 54, please note that there is no prior art that teaches or suggests *both* a metallic colloid having an organic molecule comprising a moiety that has an affinity for the metallic colloid and another moiety that has an affinity for a biomolecule, and that the metallic colloid is formed by aggregating a plurality of the metallic particles to form clusters ranging from about 50 nm to 200 nm. In fact, as explained by the Examiner, McCormick suggests coating metallic particles with organic molecule comprising a bi-functional organic molecule having a first moiety that has an affinity for the metallic surface and a second moiety that has an affinity for the biomolecule *to prevent aggregation* of the metallic particles “in order to provide a nanoparticle with increased stabilization in solution.” See page 3, lines 13-14, of the Action. In short, it would have been totally counter-intuitive for persons of ordinary skill in the art to have *both* a metallic colloid having an organic molecule comprising a moiety that has an affinity for the metallic colloid and another moiety that has an affinity for a biomolecule, and that the metallic colloid is formed by aggregating a plurality of the metallic particles to form clusters ranging from about 50 nm to 200 nm as recited in claims 53 and 54.

In the event the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **070702003400**.

Dated: November 7, 2006

Respectfully submitted,

By _____
Raj S. Davé


Registration No.: 42,465
MORRISON & FOERSTER LLP
1650 Tysons Boulevard
Suite 300
McLean, VA 22102
Phone: (703) 760-7700
Fax: (703) 760-7777